

**CITY OF NEWPORT BEACH**  
**PLANNING COMMISSION STAFF REPORT**

October 3, 2013 Meeting

Agenda Item 2

**SUBJECT:** Santa Ana Heights Code Amendment (PA2013-114)  
▪ Code Amendment No. CA2013-005

**APPLICANT:** City of Newport Beach

**PLANNER:** Benjamin M. Zdeba, Assistant Planner  
(949) 644-3253, [bzdeba@newportbeachca.gov](mailto:bzdeba@newportbeachca.gov)

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**PROJECT SUMMARY**

An amendment to Chapter 20.90 (Santa Ana Heights Specific Plan) of the Zoning Code (Title 20) removing the requirement for an annual use permit to keep three to six horses on a property for noncommercial purposes within the Residential Equestrian (REQ) District. Property maintenance regulations remain in full force and effect to ensure properties with horses remain compatible with surrounding land uses.

**RECOMMENDATION**

- 1) Conduct a public hearing; and
- 2) Adopt Resolution No. \_\_\_\_ (Attachment PC 1) recommending City Council approval of Code Amendment No. CA2013-005.

**DISCUSSION**

**Background**

On September 10, 2002, the City of Newport Beach entered into a Pre-Annexation Agreement with the County of Orange Board of Supervisors ("County") and the Orange County Development Agency ("Agency") that specified the terms of annexation for the Santa Ana Heights area to the City of Newport Beach. Included in the agreement is a requirement that prior to any General Plan Amendment or Specific Plan Amendment, the City must first obtain consent of the amendment from both the County and Agency<sup>1</sup>. East Santa Ana Heights and West Santa Ana Heights were subsequently annexed to the City in July 2003 and May 2006, respectively.

The Santa Ana Heights Specific Plan includes zoning regulations with respect to land use and development and includes parameters for the recreational keeping of horses

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<sup>1</sup> Section 2.1 of the Pre-Annexation Agreement States: "After the CITY's annexation of the Annex Area, the CITY shall not amend its General Plan as it pertains to the Annex Area or the Specific Plan without the prior written consent of the COUNTY and AGENCY..."

within the Residential Equestrian (REQ) and Single-Family Residential (RSF) Districts (Attachment PC 2). Additionally, within the REQ District, residents wishing to keep between three and six horses are required to obtain an annual use permit. The City has not yet established a procedure for issuing the annual use permits and, consequently, no such permits have been issued.

In April 2010, City Council directed staff to initiate the process to amend the Santa Ana Heights Specific Plan to remove the annual use permit requirement. However, staff did not send forward the appropriate requests to the County and Agency and did not obtain written consent to proceed with the amendment process at that time.

In June 2013, staff brought a draft ordinance (Attachment PC 3) to City Council amending the zoning regulations to simply remove the annual use permit requirement while maintaining the current property maintenance standards and the maximum number of horses allowed based on parcel sizes. At that meeting, City Council authorized the Mayor to send correspondence to the Orange County Board of Supervisors and Agency (Successor) requesting consent to amend the Santa Ana Heights Specific Plan to delete the requirement for an annual use permit relative to the keeping of three to six horses in the REQ (Residential Equestrian) District.

In August 2013, the City received consensual resolutions from both the County and Agency to proceed with the amendment (Attachment PC 4).

### Analysis

Upon annexation, the City adopted the Santa Ana Heights Specific Plan as the Zoning District for the area. This designation and its regulations were in place under County jurisdiction and remained unchanged post annexation. Section 20.90.060.D (Accessory Uses Permitted) of the REQ District regulations sets forth the allowed accessory uses including recreational horse-keeping. As shown in the table below, recreational horse-keeping within the REQ District is contingent upon the size of the building site. As it stands currently, any person wishing to keep between three and six horses on an REQ property must obtain an annual use permit.

Size of Building Site (sq. ft.)	Maximum Number Permitted
Less than 10,000	1
10,000 to 15,000	2
Greater than 15,000	3 to 6 with use permit *

\* Use permits shall be processed in accordance with subsection (G) of this section.

There are several standards outlined in the Zoning Code relative to property maintenance (e.g., dust and manure control, food storage, etc.) for those properties keeping horses for noncommercial purposes that which have been enforced since annexation. Other potential concerns such as urban runoff and water quality are further governed by Municipal Code Section 14.36 (Water Quality) which is intended to mandate participation in the improvement of water quality and compliance with federal requirements. The City's Code and Water Quality Enforcement Division ensures all property maintenance standards are followed by property owners and residents keeping horses within the Santa Ana Heights Specific Plan Area.

Even though the annual use permit has not been required, Code Enforcement still encourages compliance with best management practices. Since January, 2008, Code Enforcement has received and responded to six complaints relative to either excessive dust or discharge into the storm drain system on six different properties keeping horses. Additionally, Code Enforcement educates residents and continues to conduct outreach events such as a recent community meeting where a Code Enforcement staff member gave an extensive presentation on best management practices (Attachment PC 5). These enforcement and education efforts help to prevent any detriment from horse-keeping properties within the area.

#### Proposed Amendment

The proposed amendment would continue to allow the recreational keeping of three to six horses on a REQ property meeting the minimum building site standards; however, no annual use permit would be required. It would also revise the language under Subsection G (Use Permit Procedures) by removing any reference to a use permit, but upholding the property maintenance standards to ensure compatibility with the surrounding area and land uses.

The proposed changes to these sections are provided in Exhibit A of the draft resolution (Attachment PC 1).

Staff believes removal of the requirement for an annual use permit will not negatively affect enforcement of property maintenance standards prescribed by the Municipal Code.

#### **ENVIRONMENTAL REVIEW:**

This action is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of


Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

**NOTICING:**

Notice of this amendment was mailed to property owners of lots in the REQ district and to those in the RSF district immediately adjacent to the REQ and published in the Daily Pilot, including an eighth page advertisement. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the City website.

Prepared by:

Submitted by:

  
\_\_\_\_\_  
Benjamin M. Zdeba  
Assistant Planner  
\_\_\_\_\_  
Brenda Wisneski, AICP, Deputy Director

**ATTACHMENTS**

- PC 1 Draft Resolution
- PC 2 SP-7 REQ and RSF Land Use Designations
- PC 3 Draft Ordinance
- PC 4 County and Agency Consent
- PC 5 Community Meeting BMP Presentation

# **Attachment PC 1**

Draft Resolution

**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH RECOMMENDING CITY COUNCIL ADOPTION OF ZONING CODE AMENDMENT NO. CA2013-005 AMENDING SECTION 20.90.060 (RESIDENTIAL EQUESTRIAN DISTRICT: SP-7 (REQ)) REMOVING ANNUAL USE PERMITS FOR THE NONCOMMERCIAL KEEPING OF THREE TO SIX HORSES IN THE REQ (RESIDENTIAL EQUESTRIAN) DISTRICT OF THE SP-7 (SANTA ANA HEIGHTS SPECIFIC PLAN) ZONING DISTRICT (PA2013-114).**

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

**SECTION 1. STATEMENT OF FACTS.**

1. In July of 2003 and May of 2006, East Santa Ana Heights and West Santa Ana Heights were annexed into the City and continued to be subject to the Santa Ana Heights Specific Plan Area Regulations as well as the Annexation Agreement.
2. The Santa Ana Heights Specific Plan requires a property owner or resident within the REQ (Residential Equestrian) District to obtain an annual use permit for the recreational keeping of three to six horses over the age of eight months on a single property.
3. On June 25, 2013, the City Council reaffirmed its intent to remove the requirement for an annual use permit and authorized the Mayor to send correspondence to the County and Agency requesting consent to amend the Specific Plan.
4. The County and Agency provided written consent to proceed with the proposed amendment on August 20, 2013.
5. The Planning Commission conducted a public hearing on October 3, 2013, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.

**SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.**

This action is not subject to the California Environmental Quality Act ("CEQA") pursuant to Section 1506(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.

**SECTION 3. FINDINGS.**

1. The requirement for an annual use permit to recreationally keep three to six horses on a property within the Residential Equestrian (REQ) District of the Santa Ana Heights Specific Plan (SP-7) has not been enforced since annexation, but the City has conducted inspections, enforced regulations, and completed outreach.
2. Property maintenance standards for property owners and residents keeping horses are prescriptive within the Zoning Code and the removal of the use permit procedure does not preclude enforcement of these standards.

**NOW, THEREFORE, BE IT RESOLVED:**

The Planning Commission of the City of Newport Beach hereby recommends approval of Code Amendment No. CA2013-005 as set forth in Exhibit "A."

**PASSED, APPROVED AND ADOPTED THIS 3<sup>RD</sup> DAY OF OCTOBER, 2013.**

AYES:

NOES:

ABSTAIN:

ABSENT:

BY: \_\_\_\_\_  
Bradley Hillgren, Chairman

BY: \_\_\_\_\_  
Kory Kramer, Secretary

## EXHIBIT A

### Code Amendment No. CA2013-005 (proposed amendment is underlined)

#### Section 20.90.060.D

D. Accessory Uses Permitted. Accessory uses and structures are permitted when customarily associated with and subordinate to a principal permitted use on the same building site including:

1. Garages and carports.
2. Swimming pools.
3. Fences and walls.
4. Patio covers.
5. Signs per Chapter [20.42](#). No sign shall exceed six square feet in area unless otherwise approved through a comprehensive sign permit or modification permit in accordance with Chapter [20.42](#) and Part 5 of this title.
6. Home occupations per Section [20.48.110](#).
7. The keeping of the following animals for the recreational enjoyment of persons residing on the same building site, subject to the noted restrictions:
  - a. Any animal if kept exclusively within the residence.
  - b. Horses and ponies, limited to the following (offspring exempt up to the age of eight months):

Size of Building Site (sq. ft.)	Maximum Number Permitted
Less than 10,000	1
10,000 to 15,000	2
Greater than 15,000	3 to 6 <del>with use permit</del> *

\* ~~Use permits shall be processed in accordance with~~ Subject to compliance with the property maintenance standards in subsection (G) of this section.



- c. Goats, sheep, pigs and cows only on building sites greater than fifteen thousand (15,000) square feet in size and limited to: (i) no more than two adult animals of any one species per building site and (ii) no more than a total of six adult animals, including horses and ponies, per building site. Offspring are exempt until such time as they are weaned.
- d. Rabbits, chickens and ducks, limited to no more than a total of six of such animals per building site.
- e. Up to three dogs and three cats. Offspring are exempt up to the age of four months. The keeping of four or more dogs or four or more cats over the age of four months is also permitted subject to obtaining an animal permit per County health regulations.
- f. Minimum setbacks for the keeping of animals shall be as follows:

	From Ultimate Street Right-of- Way Line		From Property Line Abutting RSF or BP Districts		From Property Line Abutting REQ District	
	Front	Side	Front	Side	Front	Side
All structures housing animals (e.g., corrals, pens, stalls, cages, doghouses)	50	20	25	25	5*	5*
Exercise areas	25	10	0	0	0	0

\* Required for covered portions of structures only.

- 8. Granny unit, attached or detached, in conformance with Section [20.48.200](#), subject to the approval of a minor use permit per Part 5 of this title.
- 9. Any other accessory use or structure which the Planning Director finds consistent with the purpose and intent of this District.

## Section 20.90.060.G

### G. ~~Use Permit Procedures~~ Property Maintenance Standards.

- 1. Purpose and Intent. Within the REQ District, most lots are relatively small (less than one-half acre), narrow (sixty-six (66) feet wide), and surrounded by existing tract housing, existing retail commercial uses and proposed business park development. Due to the unique size and configuration of these lots and their close proximity to more urbanized uses, it is necessary to adopt property

~~maintenance standards require a use permit~~ for the noncommercial keeping of horses and ponies for the purpose of ensuring compatibility with surrounding land uses. ~~It is the intent of the City to provide for annual inspections of such equestrian facilities by all pertinent authorities, including Vector Control, Animal Control, Environmental Health, Regulation Enforcement, and others as necessary to ensure that the regulations set forth below are properly implemented.~~

~~2. Use Permit Required. Property owners or tenants keeping more than two horses and/or ponies over the age of eight months on a single building site within the REQ District shall obtain an annual use permit approved by the Planning Director per Part 5 of this title. After one year from the effective date of the ordinance codified in this title, any property owner or tenant introducing or adding horses and/or ponies onto properties within the REQ District shall, within one month, obtain a recreational horse permit if the total number of such animals over the age of eight months exceeds two. The Planning Director shall issue a permit for the keeping of such animals upon receipt of the fee established by the City Council, if any, provided, in the Director's opinion, (a) such animals are being kept or maintained without endangering the safety and comfort of the inhabitants of the neighborhood, and (b) the property owner or tenant has complied with the regulations of the REQ District. Failure to comply with these regulations or any conditions imposed by the Planning Director shall constitute cause for denial or revocation of such permit. Any person whose application for a use permit is denied or revoked under the terms of these specific plan regulations may appeal the decision of the Planning Director to the Planning Commission in accordance with the procedures set forth in Part 5 of this title. Use permits shall be nontransferable and must be renewed annually.~~

~~3-2. Permit Regulations.~~ The following ~~standards regulations~~ shall apply to building sites with three (3) to six (6) horses and/or ponies over the age of eight months :

- a. The property owner or tenant shall initiate and maintain a program of proper manure management. The property owner or tenant shall provide for the daily collection of manure from in and around corrals and exercise areas. Manure shall be stored in covered containers. In no case shall manure be permitted to remain in any container for a period exceeding seven days.
- b. A program of continuous dust control of the entire premises shall be carried out. A method for light watering of arenas and exercise areas shall be maintained. In lieu of watering, chemical control of dust may be permitted.
- c. There shall be adequate and effective control of insects and rodents and such control shall be vigorously maintained at all times. All dry grains and pellets shall be stored in rodent-proof

containers (i.e., well-sealed and preferably metal containers). Hay shall be stored on a raised platform with a minimum six-inch clearance above the surrounding area.

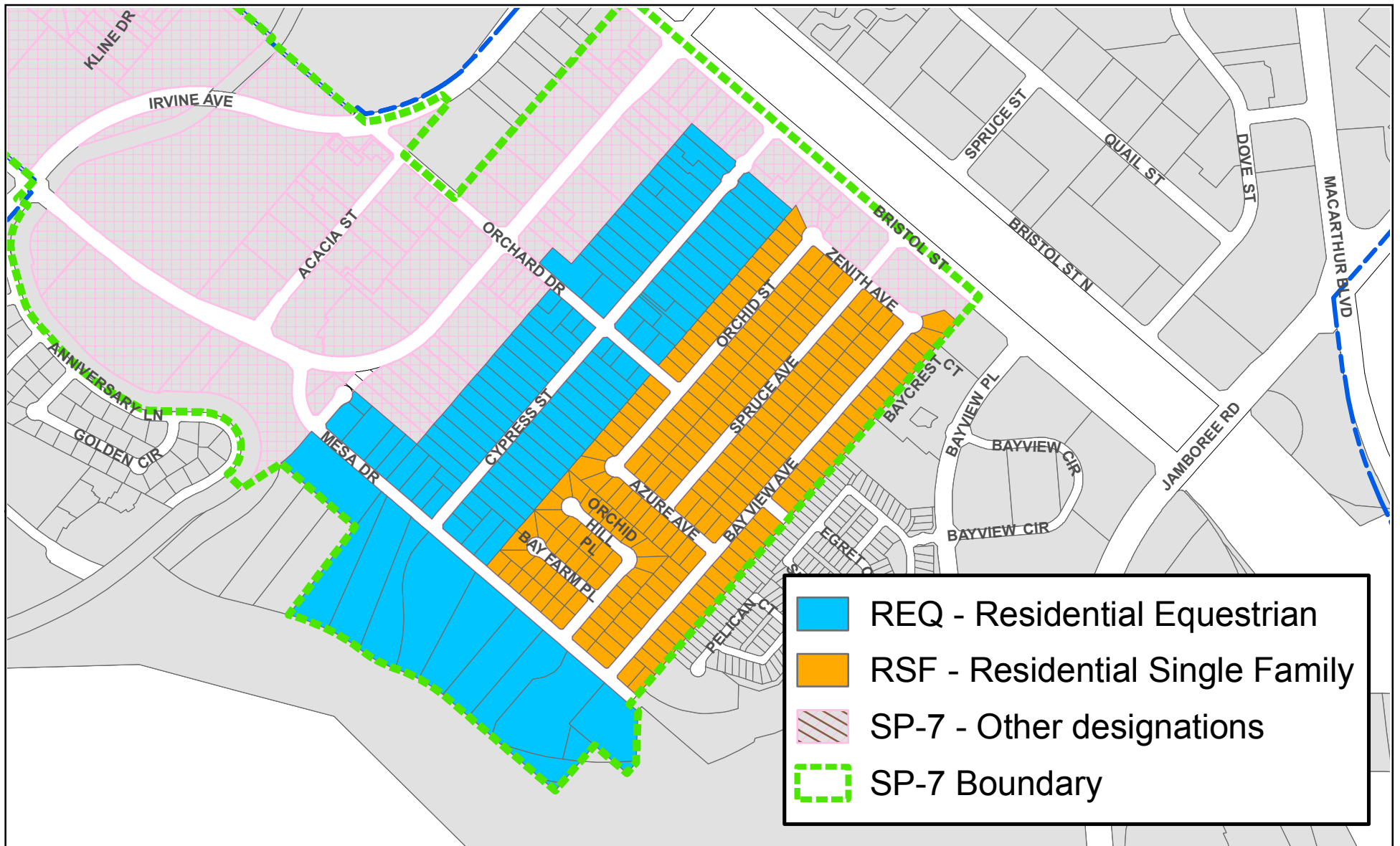
d. Combustible materials and/or solutions shall be maintained a minimum of twenty-five (25) feet from all residential structures and structures housing animals.

e. The property owner or tenant shall allow no animal to constitute or cause a hazard or be a menace to the health, safety, or peace of the community. The property owner or tenant shall keep all animals in such manner as may be prescribed to protect the animals from the public and the public from the animals.

f. The property owner or tenant shall make every reasonable effort to recapture every animal that escapes. Escapes of animals wherein the recapture of the animal cannot be immediately accomplished shall be reported to City Animal Control.

# **Attachment PC 2**

SP-7 REQ and RSF Land Use Designations



# Santa Ana Heights Specific Plan (SP-7) REQ and RSF Land Use Designations

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Feet



# **Attachment PC 3**

Draft Ordinance

**ORDINANCE NO. 2013-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
NEWPORT BEACH ADOPTING ZONING CODE AMENDMENT  
NO. CA2013-\_\_\_\_\_ AMENDING SECTION 20.90.060  
(RESIDENTIAL EQUESTRIAN DISTRICT: SP-7 (REQ))  
REMOVING ANNUAL USE PERMITS FOR THE KEEPING OF  
THREE TO SIX HORSES IN THE REQ (RESIDENTIAL  
EQUESTRIAN) DISTRICT OF THE SP-7 (SANTA ANA HEIGHTS  
SPECIFIC PLAN) ZONING DISTRICT (PA2013-114).**

**WHEREAS**, on September 10, 2002, the City entered into a Pre-Annexation Agreement with the Orange County Board of Supervisors ("County") and the Orange County Development Agency (now Successor Agency, "Agency") that specified the terms of annexation of the area known as Santa Ana Heights to the City. Section 2.1 of this agreement requires the City to receive the written consent of the County and the Development Agency prior to proceeding with any amendments to the Santa Ana Heights Specific Plan.

**WHEREAS**, in July of 2003 and May of 2006, East Santa Ana Heights and West Santa Ana Heights were annexed into the City and continued to be subject to the Santa Ana Heights Specific Plan Area Regulations as well as the Annexation Agreement.

**WHEREAS**, the Santa Ana Heights Specific Plan requires a property owner or tenant within the REQ (Residential Equestrian) District to obtain an annual use permit for the recreational keeping of three to six horses over the age of eight months on a single property.

**WHEREAS**, on June 25, 2013, the City Council reaffirmed its intent to remove the requirement for an annual use permit and authorized the Mayor to send correspondence to the County and Agency requesting consent to amend the Specific Plan.

**WHEREAS**, the County provided written consent to proceed with the proposed amendment on \_\_\_\_\_, 2013.

**WHEREAS**, the Agency provided written consent to proceed with the proposed amendment on \_\_\_\_\_, 2013.

**WHEREAS**, the Planning Commission conducted a public hearing on \_\_\_\_\_, 2013, in the City Hall Council Chambers, 100 Civic Center Drive, Newport Beach, California. A notice of time, place, and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.

**WHEREAS**, on \_\_\_\_\_, 2013, the Planning Commission adopted Resolution No. \_\_\_\_\_ recommending City Council adoption of Code Amendment No. CA2013-\_\_\_\_\_ which removes the requirement to obtain annual use permits for keeping of three to six horses.

**WHEREAS**, a public hearing was held by the City Council on \_\_\_\_\_, 2013, in the

City Hall Council Chambers, 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the City Council at this meeting.

**NOW THEREFORE**, the City Council of the City of Newport Beach ordains as follows:

**Section 1:** Section 20.90.060.D is hereby amended to read as follows:

“D. Accessory Uses Permitted. Accessory uses and structures are permitted when customarily associated with and subordinate to a principal permitted use on the same building site including:

1. Garages and carports.
2. Swimming pools.
3. Fences and walls.
4. Patio covers.
5. Signs per Chapter [20.42](#). No sign shall exceed six square feet in area unless otherwise approved through a comprehensive sign permit or modification permit in accordance with Chapter [20.42](#) and Part 5 of this title.
6. Home occupations per Section [20.48.110](#).
7. The keeping of the following animals for the recreational enjoyment of persons residing on the same building site, subject to the noted restrictions:
  - a. Any animal if kept exclusively within the residence.
  - b. Horses and ponies, limited to the following (offspring exempt up to the age of eight months):

Size of Building Site (sq. ft.)	Maximum Number Permitted
Less than 10,000	1
10,000 to 15,000	2
Greater than 15,000	3 to 6*

\* Subject to compliance with the property maintenance standards in subsection (G) of this section.



c. Goats, sheep, pigs and cows only on building sites greater than fifteen thousand (15,000) square feet in size and limited to: (i) no more than two adult animals of any one species per building site and (ii) no more than a total of six adult animals, including horses and ponies, per building site. Offspring are exempt until such time as they are weaned.

d. Rabbits, chickens and ducks, limited to no more than a total of six of such animals per building site.

e. Up to three dogs and three cats. Offspring are exempt up to the age of four months. The keeping of four or more dogs or four or more cats over the age of four months is also permitted subject to obtaining an animal permit per County health regulations.

f. Minimum setbacks for the keeping of animals shall be as follows:

	From Ultimate Street Right-of-Way Line		From Property Line Abutting or RSF BP Districts		From Property Line Abutting REQ District	
	Front	Side	Front	Side	Front	Side
All structures housing animals (e.g., corrals, pens, stalls, cages, doghouses)	50	20	25	25	5*	5*
Exercise areas	25	10	0	0	0	0

\* Required for covered portions of structures only.

8. Granny unit, attached or detached, in conformance with Section [20.48.200](#), subject to the approval of a minor use permit per Part 5 of this title.

9. Any other accessory use or structure which the Planning Director finds consistent with the purpose and intent of this District.”

**Section 2:** Section 20.90.060.G is hereby amended to read as follows:

“G. Property Maintenance Standards.

1. Purpose and Intent. Within the REQ District, most lots are relatively small (less than one-half acre), narrow (sixty-six (66) feet wide), and surrounded by existing tract housing, existing retail commercial uses and proposed business park development. Due to the unique size and configuration of these lots and their close proximity to more urbanized uses, it is necessary to adopt property maintenance standards for the noncommercial keeping of horses and ponies for the purpose of ensuring compatibility with surrounding land uses.

2. The following standards shall apply to building sites with three (3) to six (6) horses and/or ponies over the age of eight months :

a. The property owner or tenant shall initiate and maintain a program of proper manure management. The property owner or tenant shall provide for the daily collection of manure from in and around corrals and exercise areas. Manure shall be stored in covered containers. In no case shall manure be permitted to remain in any container for a period exceeding seven days.

b. A program of continuous dust control of the entire premises shall be carried out. A method for light watering of arenas and exercise areas shall be maintained. In lieu of watering, chemical control of dust may be permitted.

c. There shall be adequate and effective control of insects and rodents and such control shall be vigorously maintained at all times. All dry grains and pellets shall be stored in rodent-proof containers (i.e., well-sealed and preferably metal containers). Hay shall be stored on a raised platform with a minimum six-inch clearance above the surrounding area.

d. Combustible materials and/or solutions shall be maintained a minimum of twenty-five (25) feet from all residential structures and structures housing animals.

e. The property owner or tenant shall allow no animal to constitute or cause a hazard or be a menace to the health, safety, or peace of the

community. The property owner or tenant shall keep all animals in such manner as may be prescribed to protect the animals from the public and the public from the animals.

f. The property owner or tenant shall make every reasonable effort to recapture every animal that escapes. Escapes of animals wherein the recapture of the animal cannot be immediately accomplished shall be reported to City Animal Control.”

**Section 3:** If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase hereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 4:** This action shall become final and effective thirty days after the adoption of this Ordinance.

**Section 5:** The City Council finds the approval of this ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Section 1506(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.

**Section 6:** The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. This Ordinance shall be published once in the official newspaper of the City, and the same shall become effective thirty (30) days after the date of its adoption.

This Ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach held on the \_\_\_\_ day of \_\_\_\_, 2013, and adopted on \_\_\_\_ day of \_\_\_\_ 2013, by the following vote, to wit:

AYES, COUNCIL MEMBERS \_\_\_\_\_

NOES, COUNCIL MEMBERS \_\_\_\_\_

ABSENT, COUNCIL MEMBERS \_\_\_\_\_

MAYOR

\_\_\_\_\_  
Keith D. Curry

ATTEST:

\_\_\_\_\_  
Leilani Brown, City Clerk

APPROVED AS TO FORM,  
OFFICE OF CITY ATTORNEY:

\_\_\_\_\_  
Aaron Harp, City Attorney  
For the City of Newport Beach

DRAFT

# **Attachment PC 4**

County and Agency Consent

# ORANGE COUNTY BOARD OF SUPERVISORS

## MINUTE ORDER

August 20, 2013

Submitting Agency/Department: County Executive Office

Acting as the Board of Supervisors and Successor Agency to the Orange County Development Agency - Adopt resolutions concurring with City of Newport Beach's proposed changes to the City's Santa Ana Heights Specific Plan - District 2

**The following is action taken by the Board of Supervisors:**

APPROVED AS RECOMMENDED ☒ OTHER ☐

**Unanimous** ☒ (1) NGUYEN: Y (2) MOORLACH: Y (3) SPITZER: Y (4) NELSON: Y (5) BATES: Y

Vote Key: Y=Yes; N=No; A=Abstain; X=Excused; B.O.=Board Order

Documents accompanying this matter:

☒ Resolution(s) 13-081 - 13-082

☐ Ordinances(s)

☐ Contract(s)

Item No. 22

Special Notes:

Copies sent to:

CEO – Jay Wong

8/22/13



I certify that the foregoing is a true and correct copy of the Minute Order adopted by the Board of Supervisors, Orange County, State of California.  
Susan Novak, Clerk of the Board

By:   
Deputy



## Modification Memo

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August 19, 2013

To: Susan Novak, Clerk of the Board of Supervisors  
From: Michael B. Giancola, County Executive Officer  
Subject: Revision to Legal Entity Taking Action for Item #22 on the 8/20/13 Board Meeting.

2013 AUG 19 AM 9:57  
CLERK OF THE BOARD  
OF SUPERVISORS  
COUNTY OF ORANGE  
RECEIVED

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### Explanation: Legal Entity Taking Action

The Legal Entity Currently Reads: Board of Supervisors and Orange County Development Agency

The Revised Legal Entity should read: Board of Supervisors and Successor Agency to the Orange County Development Agency

cc: Members, Board of Supervisors  
Nick Chrisos, County Counsel  
Cymantha Atkinson, County Executive Office  
Frank Kim, County Executive Office

## 2genda Item



## AGENDA STAFF REPORT

ASR Control 13-001012

23FI

**MEETING DATE:** 08/20/13  
**LEGAL ENTITY TAKING ACTION:** Board of Supervisors and Orange County Development Agency  
**BOARD OF SUPERVISORS DISTRICT(S):** 2  
**SUBMITTING AGENCY/DEPARTMENT:** County Executive Office (Approved)  
**DEPARTMENT CONTACT PERSON(S):** Jay Wong 834-2009  
 Donna Grubaugh 834-7218

**SUBJECT:** Proposed Santa Ana Heights Specific Plan Amendment

**CEO CONCUR**  
Concur

**COUNTY COUNSEL REVIEW**  
N/A

**CLERK OF THE BOARD**  
Discussion  
3 Votes Board Majority

**Budgeted:** N/A

**Current Year Cost:** N/A

**Annual Cost:** N/A

**Staffing Impact:** No

**# of Positions:**

**Sole Source:** N/A

**Current Fiscal Year Revenue:** N/A

**Funding Source:** N/A

**County Audit in last 3 years No  
Year of Audit**

**Prior Board Action:** N/A

### RECOMMENDED ACTION(S):

Adopt the attached resolutions concurring with the City of Newport Beach's proposed changes to the Santa Ana Heights Specific Plan.

### SUMMARY:

Adoption of the resolutions would allow the City of Newport Beach to amend the Santa Ana Heights Specific Plan eliminating the requirement for property owners or tenants that keep three to six horses and/or ponies from obtaining an annual use permit.

### BACKGROUND INFORMATION:

The City of Newport Beach (City) has submitted a request to amend the Santa Ana Heights Specific Plan eliminating the requirement to apply for an annual use permit as it relates to the keeping of three to six horses and/or ponies in the Residential Equestrian District (REQ).

Currently, the Santa Ana Heights Specific Plan requires a property owner or tenant in the REQ District to obtain an annual use permit if that person keeps three to six horses and/or ponies over the age of eight



months on a single property. The Specific Plan also contains several property maintenance standards (see Section G of Exhibit B) that apply to properties with three to six horses.

Since annexation, area residents have voiced concerns that the annual permit requirement is overly burdensome and unnecessary to ensure code compliance. It is the City's intent to remove the use permit requirement, but retain the property maintenance standards. The City believes that the existing limitation on the number of horses and/or ponies and the property maintenance standards can continue to be enforced without the issuance of an annual permit.

The September 10, 2002, Pre-Annexation Agreement (see Exhibit A) requires the City to obtain written consent from the County and Orange County Development Agency (now Successor Agency with the elimination of redevelopment) prior to proceeding with the proposed amendment of the Specific Plan (see Exhibit B).

On July 18, 2013, the County Oversight Board adopted a resolution concurring with the proposed changes Santa Ana Heights Specific Plan (see Exhibit C).

#### **FINANCIAL IMPACT:**

N/A

#### **STAFFING IMPACT:**

N/A

#### **REVIEWING AGENCIES:**

County Counsel and OC Community Resources

#### **EXHIBIT(S):**

- A. Pre-Annexation Agreement
- B. Proposed Santa Ana Heights Specific Plan Amendment
- C. Oversight Board Resolution

#### **ATTACHMENT(S):**

Resolutions Concurring with Amendment

RESOLUTION OF THE BOARD OF SUPERVISORS OF ORANGE COUNTY,  
CALIFORNIA CONCURRING WITH PROPOSED CHANGES  
TO THE SANTA ANA HEIGHTS SPECIFIC PLAN

August 20, 2013

WHEREAS, County of Orange (the "County") adopted the Santa Ana Heights Specific Plan (the "Specific Plan") to regulate land use and zoning within the Santa Ana Heights Project Area (the "Project Area"); and

WHEREAS, the City of Newport Beach (the "City"), the County and the Orange County Development Agency (the "Agency") entered into a pre-annexation agreement (the "Agreement") regarding certain portions of the Project Area and Specific Plan; and

WHEREAS, the Agreement requires County and Agency concurrence of any changes to the Specific Plan; and

WHEREAS, where the City has proposed certain changes to the Specific Plan;  
and

WHEREAS, the County wishes to concur with the proposed changes.

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby:

1. Concur with the proposed changes to the Santa Ana Heights Specific Plan.

The foregoing was passed and adopted by the following vote of the Orange County Board of Supervisors, on August 20, 2013, to wit:

AYES: Supervisors: JOHN M.W. MOORLACH, TODD SPITZER, JANET NGUYEN  
PATRICIA BATES, SHAWN NELSON  
NOES: Supervisor(s):  
EXCUSED: Supervisor(s):  
ABSTAINED: Supervisor(s):


  
\_\_\_\_\_  
CHAIRMAN

STATE OF CALIFORNIA    )  
                                      )  
COUNTY OF ORANGE    )

**I, SUSAN NOVAK, Clerk of the Board of Orange County, California, hereby certify that a copy of this document has been delivered to the Chairman of the Board and that the above and foregoing Resolution was duly and regularly adopted by the Orange County Board of Supervisors**

**IN WITNESS WHEREOF, I have hereto set my hand and seal.**



  
\_\_\_\_\_  
SUSAN NOVAK  
Clerk of the Board  
County of Orange, State of California

Resolution No: 13-081  
Agenda Date: 08/20/2013  
Item No: 22



I certify that the foregoing is a true and correct copy of the Resolution adopted by the Board of Supervisors, Orange County, State of California

Susan Novak, Clerk of the Board of Supervisors

By: \_\_\_\_\_  
Deputy



RESOLUTION OF THE BOARD OF DIRECTORS OF THE SUCCESSOR  
AGENCY TO THE ORANGE COUNTY DEVELOPMENT AGENCY  
CONCURRING WITH PROPOSED CHANGES TO THE SANTA ANA HEIGHTS  
SPECIFIC PLAN

August 20, 2013

WHEREAS, County of Orange (the "County") adopted the Santa Ana Heights Specific Plan (the "Specific Plan") to regulate land use and zoning within the Santa Ana Heights Project Area (the "Project Area"); and

WHEREAS, the City of Newport Beach (the "City"), the County and the Orange County Development Agency (the "Agency") entered into a pre-annexation agreement (the "Agreement") regarding certain portions of the Project Area and Specific Plan; and

WHEREAS, the Agreement requires County and Agency concurrence of any changes to the Specific Plan; and

WHEREAS, where the City has proposed certain changes to the Specific Plan; and

WHEREAS, the Agency wishes to concur with the proposed changes; and

WHEREAS, California Health and Safety Code section 34180 requires Oversight Board approval of certain changes to redevelopment project areas before Successor Agency (the "Agency") approval; and

WHEREAS, Oversight Board approval occurred on July 18, 2013.

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby:

1. Concur with the proposed changes to the Santa Ana Heights Specific Plan.

The foregoing was passed and adopted by the following vote of the Orange County Board of Supervisors, Acting as Successor Agency to the Orange County Development Agency, on August 20, 2013, to wit:

AYES:	Supervisors:	JOHN M.W. MOORLACH, TODD SPITZER, JANET NGUYEN
		PATRICIA BATES, SHAWN NELSON
NOES:	Supervisor(s):	
EXCUSED:	Supervisor(s):	
ABSTAINED:	Supervisor(s):	

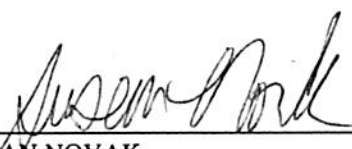
  
\_\_\_\_\_  
CHAIRMAN

STATE OF CALIFORNIA   )  
                                      )  
COUNTY OF ORANGE    )

**I, SUSAN NOVAK, Clerk of the Board of Orange County, California, hereby certify that a copy of this document has been delivered to the Chairman of the Board and that the above and foregoing Resolution was duly and regularly adopted by the Orange County Board of Supervisors, Acting as the Successor Agency to the Orange County Development Agency.**

**IN WITNESS WHEREOF, I have hereto set my hand and seal.**



  
\_\_\_\_\_  
SUSAN NOVAK  
Clerk of the Board  
County of Orange, State of California

Resolution No: 13-082  
Agenda Date: 08/20/2013  
Item No: 22



I certify that the foregoing is a true and correct copy of the Resolution adopted by the Board of Supervisors, Acting as the Successor Agency to the Orange County Development Agency, Orange County, State of California

Susan Novak, Clerk of the Board of Supervisors

By: \_\_\_\_\_  
Deputy

# **Attachment PC 5**

Community Meeting BMP Presentation

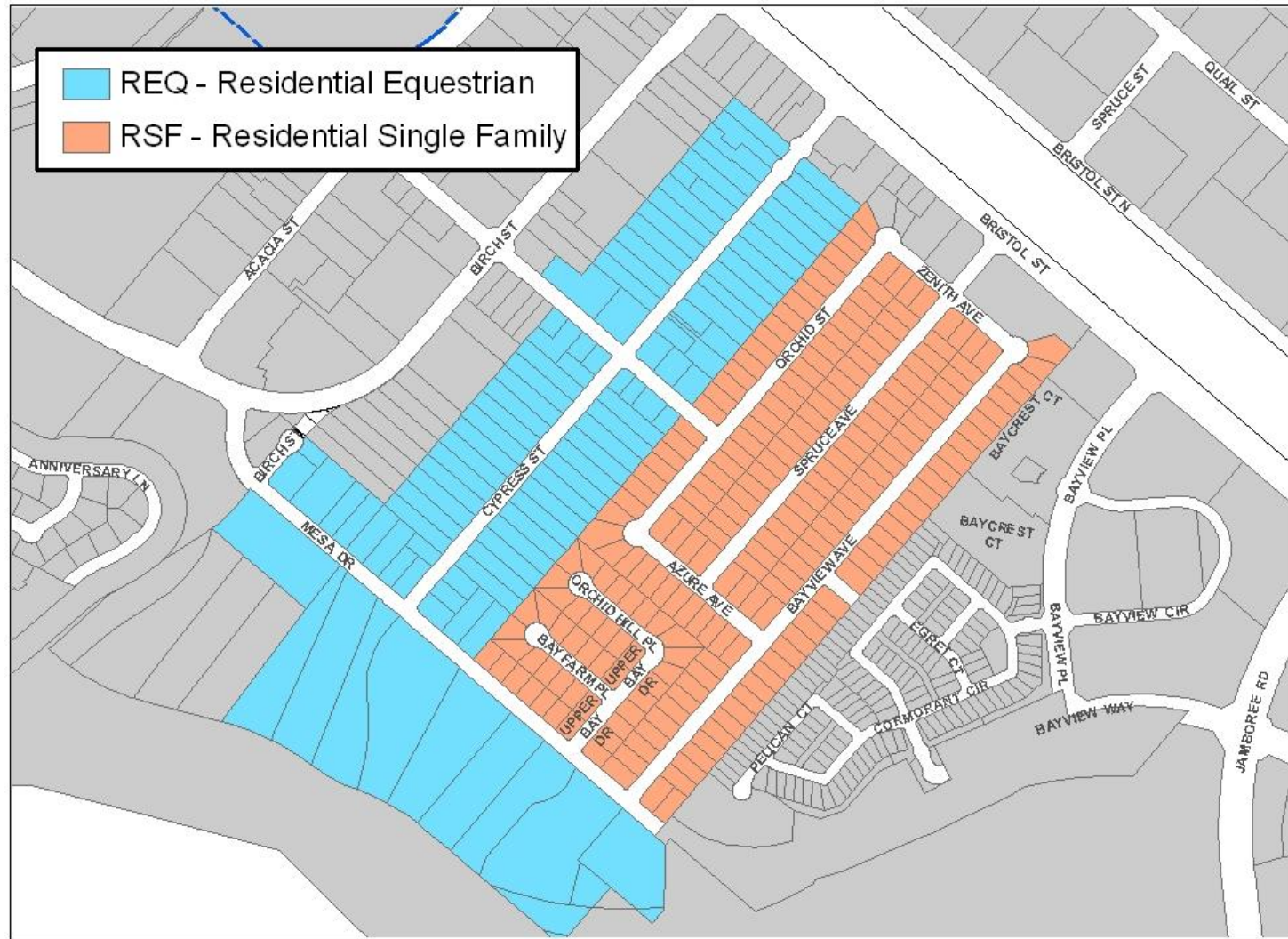


# SANTA ANA HEIGHTS

## Equestrian Community Meeting

Community Development Department

# Land Use Designations





# Best Management Practices

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# Unique Characteristics of a Unique Community- Santa Ana Heights

- By implementing BMP's, to the maximum extent practicable, in conjunction with the keeping of horses and ponies, we protect our environment and preserve good neighbor relationships.

Dust Control

Clean Water

Recreation  
Use

Keeping of  
Horses & Ponies

# Regulatory Background

- Clean Water Act → National Pollution Discharging Elimination System (NPDES)
- State Water Resources Control Board → Santa Ana Regional Water Quality Board
- Santa Ana Regional Water Quality Board → Newport Beach The Permittee



# Joint Effort of the City & Equestrian Community

- By continuing the community's good neighbor practices already in place, we can work together to ensure mandatory state standards are met and we keep our water clean.



# Working Together for Clean Water

- What the City can do....
  - ▣ Construction site BMP's
  - ▣ Dredging Projects
  - ▣ Urban Runoff Reduction Education
- What you can do...
  - ▣ Best Management Practices for Property Maintenance

# Property Maintenance

- ❑ Stalls, corrals, and wash areas should be cleaned on a regular basis.
- ❑ Manure should be removed on a daily basis to a proper weatherproof waste container.



# Property Maintenance

- Store waste containers on an impervious surface (either concrete pad or asphalt)
- During rains store waste container under cover to prevent leaching or runoff of pollutants.



# Property Maintenance

- Separate waste container areas with buffer strips of vegetation or berms to filter sediments and absorb nutrients in runoff and prevent from entering into storm drain systems via the street gutter.





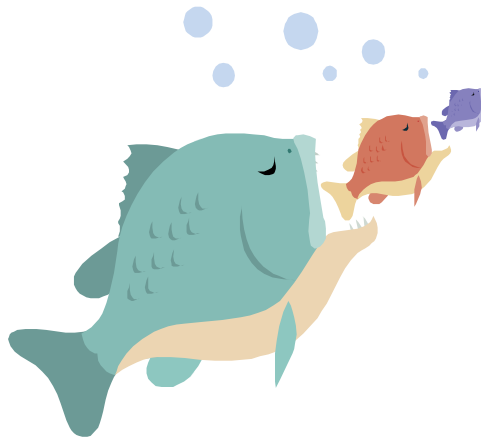
# Property Maintenance

- ❑ Chemicals: Follow directions for all chemical applications and dispose of unused chemicals at a household hazardous waste facility.
- ❑ Call OC Waste and Recycling at (714) 834-6752 for more information. Nearest locations are Huntington Beach and Irvine.
- ❑ Refuse: Collect and dispose of trash and debris.



# Grooming

- Use less-toxic alternatives for grooming. Even biodegradable products can be harmful to marine life and the environment.
- Follow instructions on the products and clean up spills.



# Grooming

- ❑ When washing horses, either allow washwater to seep into the ground or be routed to the sanitary sewer. Do not let washwater enter the storm drain.
- ❑ Conserve water by using a spray nozzle with an automatic shut-off. Turn off the water when not in use.



# Dust Control

- Implement a program for continuous dust control.
- Light water, chemical products, or organic products may be used:
  - ▣ Dusty conditions within an arena can contribute to respiratory problems in livestock, horses and people.
  - ▣ Basic Cal EPA requirements include light watering or use of hygroscopic materials.
    - ArenaClear
    - ArenaKleen
    - ArenaPro



# A little goes a long way...

- The additional benefits of implementing Best Management Practices on properties with horses or ponies include: a healthier horse environment, better conditions, and enhancement to the overall Santa Ana Heights community.



# Questions?



Community Development Department



# Santa Ana Heights REQ Amendment



Planning Commission  
Public Hearing  
October 3, 2013



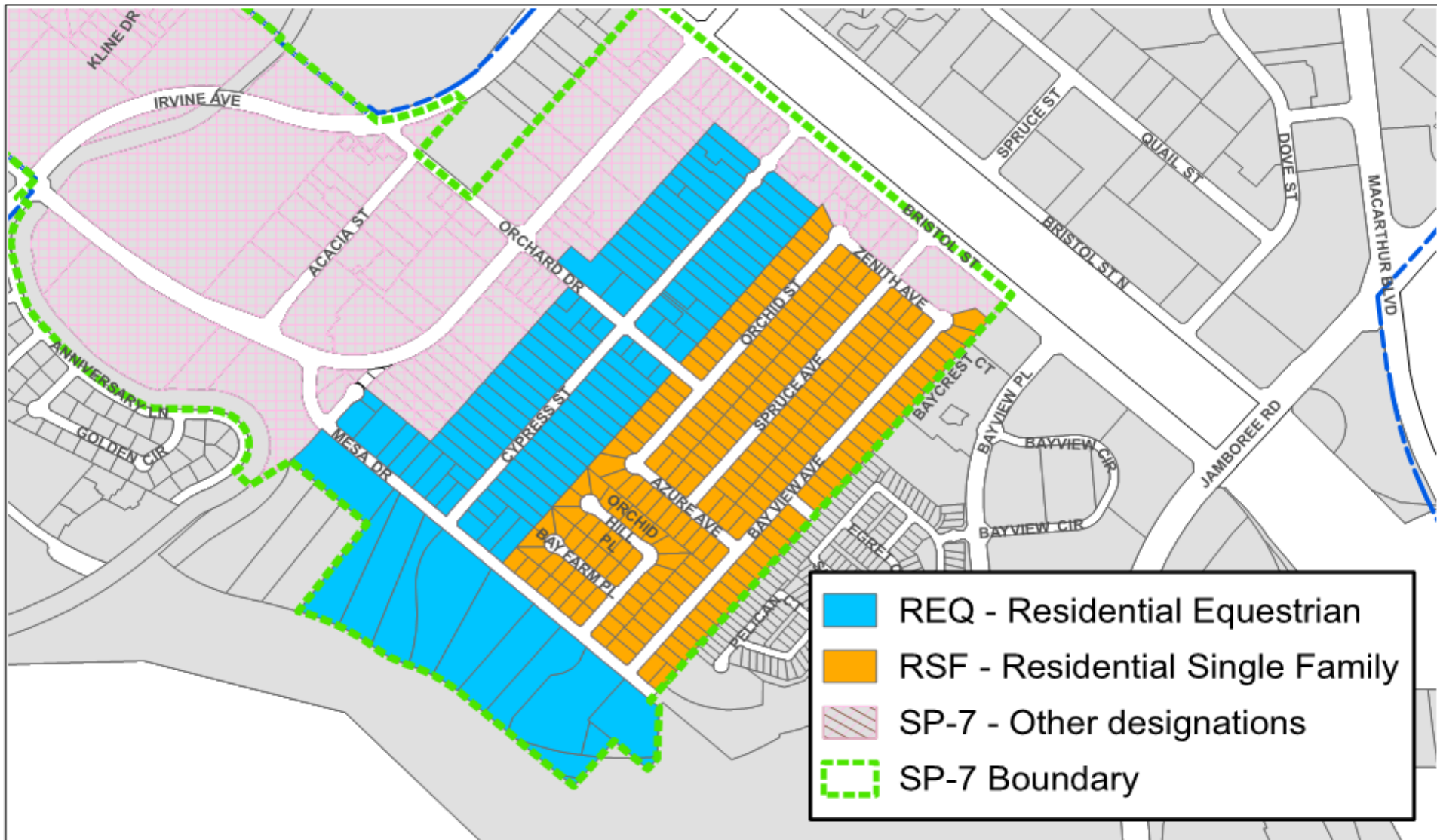
# Background



- Annexation
  - East and West Santa Ana Heights annexed in 2003 and 2006, respectively
  - Pre-annexation agreement
  - Subject to Santa Ana Heights Specific Plan
  - Annual use permit carried over, but not implemented
- Council Direction
  - Remove requirement for annual use permit



# Land Use Designations



- REQ - Residential Equestrian
- RSF - Residential Single Family
- SP-7 - Other designations
- SP-7 Boundary

# Standards



- Manure management program
- Dust control program
- Proper food storage
- Combustible material storage
- Animal care and control
- Setbacks
- NBMC Chapter 14.36 (Water Quality)

# Recommendation



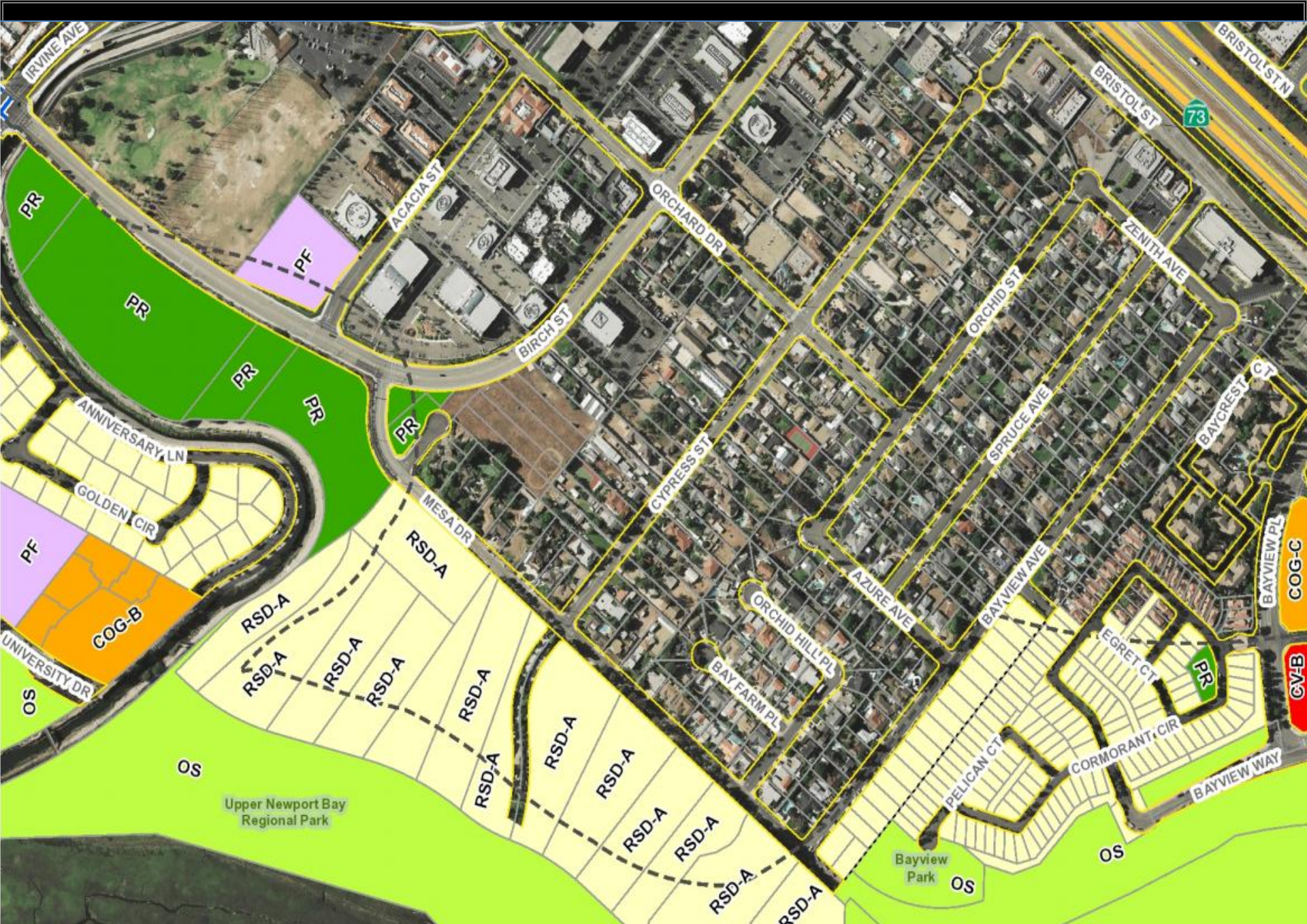
- Conduct a public hearing
- Adopt Resolution No. \_\_\_\_ (Attachment PC 1) recommending City Council approval of Code Amendment No. CA2013-005



For more information contact:

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# Horses and Setbacks



## Size of Building Site (sq. ft.)

Less than 10,000

10,000 to 15,000

Greater than 15,000

## Maximum Number Permitted

1

2

3 to 6 with use permit\*

\* Use permits shall be processed in accordance with subsection (G) of this section.

	From Ultimate Street Right-of-Way Line		From Property Line Abutting RSF or BP Districts		From Property Line Abutting REQ District	
	Front	Side	Front	Side	Front	Side
All structures housing animals (e.g. corrals, pens, stalls, cages, doghouses)	50	20	25	25	5*	5*
Exercise areas	25	10	0	0	0	0
*Required for covered portions of structures only						